

---

## Memorandum

**To:** Town Council Members  
**From:** Mandi Jo Hanneke, Chair, Community Resources Committee (CRC)  
**Date:** December 21, 2020  
**Re:** Addendum to December 5, 2020 Report by the Chair of CRC to the Town Council

---

## INTRODUCTION

This document is an addendum to the December 5, 2020, CRC report on recommended zoning priorities in response to requests received during the December 7, 2020, Town Council meeting. Requests consisted of (1) articulating the vision that these zoning recommendations support; (2) explaining in lay terms what the recommendations would do; and (3) describing the potential impacts of the recommendations. There was also a request to group recommendations to show ways in which they are interrelated and to provide “packages” of zoning reforms.

This addendum attempts to provide further information and clarification around these requests to the extent practicable. It should be noted that more thorough analysis would be conducted by the Planning Department in their development of the actual zoning amendments and throughout the public hearing and comment process followed by the Planning Board and Town Council. The CRC’s recommended zoning priorities are intended as a way for the Council to provide guidance to the Town Manager in accomplishing the portion of Town Council Policy Goal III. Economic Vitality that asks the Manager to facilitate “the review and revision of the Zoning bylaws to promote diverse neighborhoods, affordable housing, and new growth in downtown and village centers.” CRC hopes that the Manager would then provide these priorities to the Planning Department as guidance, who would then be responsible for developing the proposed revisions.

Because this document is long, a table of contents is included for aid in navigating it.

## Table of Contents

<b>OVERALL VISION.....</b>	<b>4</b>
<b>3 MONTH PRIORITIES.....</b>	<b>4</b>
<b>Limited Business District (B-L) Package .....</b>	<b>4</b>
Vision.....	4
Relevant zoning priority recommendations.....	5
What these would do .....	5
Impacts .....	7
<b>Apartments Development Package .....</b>	<b>8</b>
Vision.....	8
Relevant zoning priority recommendations.....	9
What these would do .....	9
Impact.....	10
<b>Supplemental Dwelling Units.....</b>	<b>12</b>
Vision.....	12
Relevant zoning priority recommendations.....	13
What these would do .....	13
Impacts .....	14
<b>Demolition Delay Bylaw .....</b>	<b>14</b>
Vision.....	14
Relevant zoning priority recommendations.....	15
What this would do.....	15
<b>Start Conversation on housing types expansion.....</b>	<b>15</b>
<b>6-12 MONTH PRIORITIES.....</b>	<b>16</b>
<b>Residential Dimensional Regulations Package.....</b>	<b>16</b>
Vision.....	16
Relevant zoning priority recommendations.....	19
What this would do.....	19
Impacts .....	20
<b>Duplexes &amp; Triplexes .....</b>	<b>21</b>

Vision.....	21
Relevant zoning priority recommendations.....	22
What this would do.....	22
Impacts .....	23
<b>Village Center Uses .....</b>	<b>24</b>
Vision.....	24
Relevant zoning priority recommendations.....	25
What this would do.....	25
Impacts .....	25
<b>Transportation .....</b>	<b>25</b>
Vision.....	25
Relevant zoning priority recommendations.....	26
What this would do.....	26
<b>CONSULTANT MONEY .....</b>	<b>27</b>
<b>INCLUSIONARY ZONING .....</b>	<b>27</b>

## OVERALL VISION

As was mentioned during the December 7, 2020 Town Council meeting, the vision for the Town of Amherst, including downtown and village centers, is described by the Master Plan. The Master Plan was adopted by the Planning Board on February 3, 2010 and approved by the Town Council on November 9, 2020. The existing Zoning Bylaw also provides a vision for specific areas of the Town through its descriptions of Zoning Districts (Article 2.0). This document borrows from these two sources to explain the vision these zoning recommendations support.

## 3 MONTH PRIORITIES

### Limited Business District (B-L) Package

#### Vision

The Limited Business (B-L) district covers several areas along the edges of Amherst's downtown central business district (the B-G district), including parcels along Triangle St., Hallock St., and North and South Prospect St (see image below). The vision of the B-L district is explicitly defined in the Zoning Bylaw Section 2.0:

*The purpose of the B-L District is to provide areas for moderate density, office, commercial and multifamily developments. It is intended to be located in transitional areas between high density business districts and high density residential districts or in appropriate areas along arterial or primary roads.*

The B-L, as a district in Amherst Center, is also part of the vision described by our Master Plan:

*Encourage vitality in the downtown and village centers:  
Amherst's downtown and village centers should be a focus for the community's economic life, cultural vigor, and social activity. Vitality in these areas can be pursued through a variety of initiatives, including encouraging additional housing development, economic investment, expansion of cultural facilities, promotion of a mix of uses, and improvements to the public realm (parks, streetscapes, and public squares). These initiatives will lead to a more walkable community, allow for more day-to-day interactions among residents, and attract more visitors to the community while enhancing Amherst's growing tourism industry.*



From these two documents, the vision our community has for the B-L district is moderate density development that includes mixed-use commercial and multi-family residential spaces at a density less than the B-G but greater than the surrounding neighborhoods.

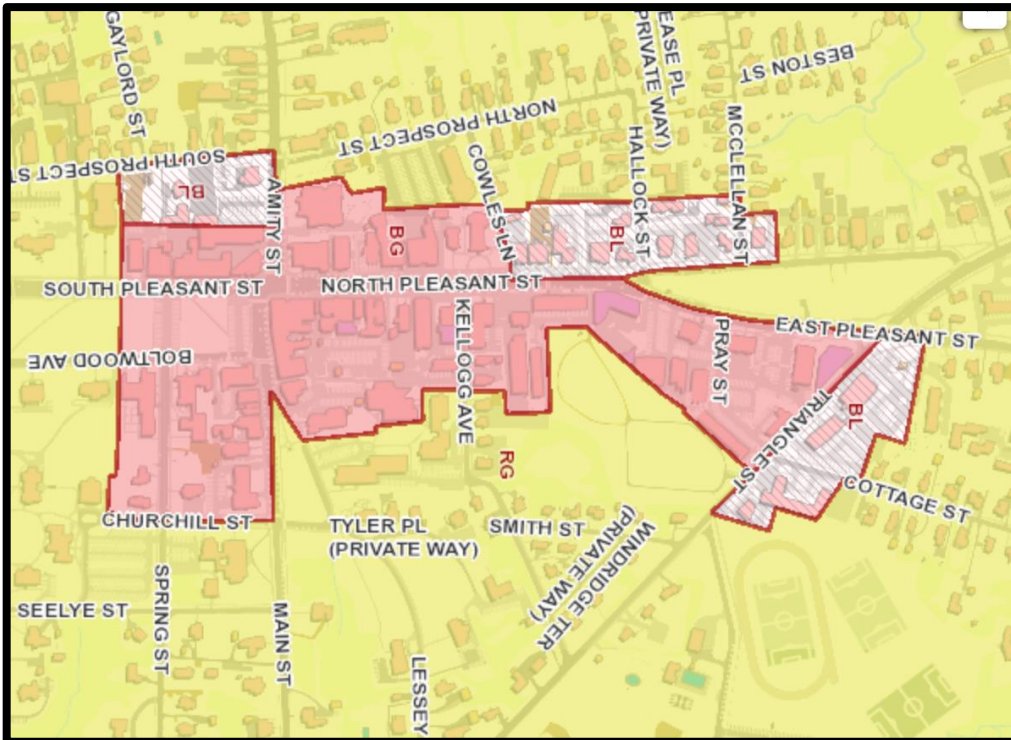


Figure 1. B-L District area (diagonal lines)

### Relevant zoning priority recommendations

- Adding B-L to footnote *b* (Planning Department estimated timing to complete: 3-6 months)
- Adding footnote *a* to Maximum Lot Coverage and Maximum Building Coverage (Planning Department estimated timing to complete: 3-6 months)

### What these would do

Planning Department staff, members of the Planning Board, and several Councilors identified the B-L district as “broken”. This is because the dimensional regulations (regulations that control things like how much land you need to build, how tall a building can be, how far it needs to be set back from the road etc.) prevent the types of development described by the above vision, specifically multi-family housing. In the B-L, the dimensional regulations require 20,000 sq ft of lot area to build a single residential unit, and an additional 4,000 sq ft of lot area for each additional residential unit (i.e. each initial residential unit requires 0.46 acres of land, and each

additional unit beyond the first requires an additional 0.09 acres, meaning that building more than one residential unit in the B-L district requires at least 0.55 acres of land). But the vast majority of parcels in the B-L are too small to meet these requirements. A rough analysis of the parcels in the current B-L district shows that almost none of them are large enough. The median parcel size in the B-L is 0.27 acres. Under current regulations, 76% of parcels are too small to build even a single unit. Only two parcels are large enough to build more than two units. The result is that it is nearly impossible to build multi-family housing in the B-L district, and most existing multi-family housing is non-conforming.

Adding the B-L to footnote *b* is one of CRC's recommended initial solutions to this problem. Table 3: Dimensional Regulations of the Zoning Bylaw contains several footnotes that modify the table's regulations. Footnote *b* relieves residential developments in business districts from three dimensional regulations (Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage) that would otherwise prevent multi-family housing development. Since lots in these denser areas are too small to otherwise permit each residential unit to comply with these regulations, the footnote allows developments to achieve the residential density envisioned for these areas by the Master Plan. But the B-L district is missing from the text of footnote *b*, as well as in relevant sections of the Dimensional Table. Currently, the B-L is the only business district that is not referenced in footnote *b*; it is also the only business district that footnote *b* doesn't apply to for Additional Lot Area/Family. See images below for examples of how B-L is out of sync with other business district dimensional regulations.

- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- 3 of 4 business districts included, but B-L is missing**

TABLE 3 - DIMENSIONAL REGULATIONS

Zoning District	R-LD	R-O	R-N	R-VC	R-G	R-F	B-G	B-L	COM	B-VC	B-N	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.)	80,000	30,000	20,000	15,000	12,000 <sup>m</sup>	20,000	12,000 <sup>b</sup>	20,000 <sup>b</sup>	20,000 <sup>b</sup>	12,000 <sup>b</sup>	15,000 <sup>ab</sup>	40,000 <sup>a</sup>		30,000 <sup>a</sup>	80,000	
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 <sup>am</sup>		1,250 <sup>ab</sup>	4,000	4,000	2,500 <sup>ab</sup>	1,500 <sup>ab</sup>					
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	100	40 <sup>b</sup>	125 <sup>b</sup>	125 <sup>b</sup>	60 <sup>b</sup>	100 <sup>b</sup>	100 <sup>a</sup>		100 <sup>a</sup>	200	
Basic Minimum/Maximum Front Setback (ft.) <sup>a</sup>	30	25	20	15	15	20	0/20	20	20	10/20	10	30	20	20	40	
Basic Minimum Side and Rear Yards (ft.)	20	25	15	15	10	10	10 <sup>a</sup>						10	10	20	
Maximum Building Coverage (%)	10	15	20	25 <sup>a</sup>	25 <sup>a</sup>	45 <sup>a</sup>	70 <sup>a</sup>	35	35	35	35	20	25	25	10	

**Footnote b is missing here. Applies to all three regulations in every business district except the B-L.**

Another footnote in the Table 3 Dimensional Regulations is footnote *a*, which allows the Planning Board flexibility to modify certain regulations under a Special Permit. Footnote *a*



currently applies to some regulations for the B-L, including Maximum Floors and Maximum Height. But it does not apply to Maximum Building Coverage or to Maximum Lot Coverage. Currently, the Maximum Building Coverage in the B-L is 35%, meaning that no building can take up more than 35% of the total lot area. Maximum Lot Coverage is 85%, meaning that no more than 85% of the lot area can be developed. Adding footnote a to these two dimensional regulations would allow the Planning Board to modify those percentages for a project under a Special Permit. Two things should be noted. First, the B-L is currently the only business district that does not have footnote a on Maximum Building Coverage, and only the B-L and B-VC (Village Center Business) do not have footnote a for Maximum Lot Coverage (see image below). Second, most existing buildings in the B-L along North Pleasant St. consume greater than 35% of the lot area, making most existing buildings nonconforming with the existing zoning. It should be noted that given the small lot size of parcels in the B-L, it would be very difficult to develop a new building that doesn't consume more than 35% of the lot area. Adding this footnote would give the Planning Board flexibility to address that problem.

TABLE 3 - DIMENSIONAL REGULATIONS

Zoning District	R-LD	R-O	R-N	R-VC	R-G	R-F	B-G	B-L	COM	B-VC	B-N	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.)	80,000	30,000	20,000	15,000	12,000 <sup>m</sup>	20,000	12,000 <sup>b</sup>	20,000 <sup>b</sup>	20,000 <sup>b</sup>	12,000 <sup>b</sup>	15,000 <sup>ab</sup>	40,000 <sup>a</sup>		30,000 <sup>a</sup>	80,000	
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 <sup>mm</sup>		1,250 <sup>ab</sup>	4,000	4,000	2,500 <sup>ab</sup>	1,500 <sup>ab</sup>					
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	100	40	Footnote a applies	20	20	10	100 <sup>a</sup>		100 <sup>a</sup>	200	
Basic Minimum/Maximum Front Setback (ft.) <sup>a</sup>	30	25	20	15	15	20	0/20	20	20	10	30	20	20	40		
Basic Minimum Side and Rear Yards (ft.)	20	25	15	15	10	10	10 <sup>a</sup>	25 <sup>a</sup>	25 <sup>a</sup>	10 <sup>a</sup>	10 <sup>a</sup>	10	10	10	20	
Maximum Building Coverage (%)	10	15	20	25 <sup>a</sup>	25 <sup>a</sup>	45 <sup>a</sup>	70 <sup>a</sup>	35	35	35 <sup>a</sup>	35 <sup>a</sup>	20	25	25	10	
Maximum Lot Coverage (%)	15	25	30	40	40	65 <sup>a</sup>	95 <sup>a</sup>	85	70	70	65 <sup>a</sup>	70	65	70	15	
Maximum Floors <sup>a</sup>	2 ½	2 ½	3	3	3	5	5	3	3	3	3	2 ½	3	3	1	
Minimum/Maximum Height (ft.) <sup>a</sup>	35	35	35	35	40	55 <sup>a</sup>	55	35	5	16	40	35	50	35	20	

See Section 3.213

-08-

These changes are consistent with the following strategy outlined by the Master Plan:

*LU.2A: Change zoning to allow denser residential occupancy near existing services and public transit*

## Impacts

The recommended zoning changes would bring the B-L dimensional regulations into conformity with the other business districts. It would also make the B-L dimensional regulations better

reflect the stated vision of the district by creating opportunities for moderate density development (adding footnote *a*) and multi-family housing development (adding footnote *b*) that are currently prohibited or impeded. This supports the broader vision articulated by the Master Plan:

*Objective LU.1: Preferentially direct future development to existing built-up areas*

*Objective LU.2: Create vital downtown and village centers (areas of mixed-use, including retail, commercial, and residential elements) that are walkable, attractive and efficient*

Another potential impact applies specifically to the recommended addition of footnote *a* to Maximum Building Coverage and Maximum Lot Coverage in the B-L and B-VC. If a mixed-use building project utilized footnote *a* in order to increase lot or building coverage, that project would be newly subject to the Inclusionary Zoning bylaw. Currently a mixed-use building project in the B-L or B-VC zone is permitted under SPR and therefore not subject to the Inclusionary Zoning bylaw unless it seeks to add additional height or floors to the building. Adding footnote *a* to these districts for Maximum Building and Lot Coverage would add new pathways for applying the Inclusionary Zoning bylaw.

These recommendations have potential impacts to produce more multi-family housing, generate revenue through new growth, increase Affordable housing units in town, and spur downtown redevelopment of underutilized or vacant lots.

## Apartments Development Package

### Vision

The Master Plan outlines the Town's vision for housing as follows:

*Provide housing that meets the needs of all residents while minimizing impacts on the environment.*

*Amherst values its economic and cultural diversity. Sustaining this diversity now and into the future will require addressing the needs of large segments of the population, including both renters and homeowners, that are financially strained by rising housing costs. It is critically important to encourage a broad mix of housing types with a full range of initiatives designed to preserve, develop, and/or replenish the community's low and moderate income affordable housing inventory. Housing strategies must also ensure that the mix of housing in the Town meets the varying physical needs of all residents and is affordable to the broadest spectrum of a growing community while minimizing the impact of housing development on the environment*



*H.1 - Encourage a greater mix of housing types, sizes, and prices serving a wider range of income levels than is currently available throughout Amherst. Encourage the development of economically diverse neighborhoods.*

Apartment housing is part of this vision as it provides multi-family housing to renters, contributes to the mix of housing types in Town, and minimizes impacts on the environment through concentrated housing development vs suburban sprawl.

### Relevant zoning priority recommendations

- Move apartments to SPR in more areas (Planning Department estimated timing to complete: 3-6 months)
- Remove footnote *m* (Planning Department estimated timing to complete: 3-6 months)
- Apartment definition (remove cap on units, and multiple unit sizes) (Planning Department estimated timing to complete: 3-6 months)

### What these would do

Currently, apartments are allowed by Site Plan Review (SPR) in the General Business district, and by Special Permit (SP) in the Village Center Residence, General Residence, Limited Business, Village Center Business, and Neighborhood Business districts. Apartments are not allowed in the Outlying Residence, Low Density Residence, or Neighborhood Residence districts. Relative to SPR, the SP process is more expensive, arduous, and risky for developers as there is a higher threshold for approval. Moving apartments from SP to SPR in more areas (areas to be determined by the Planning Department) would make the permitting process for new apartment developments in those areas less arduous for developers, while maintaining the ability of the Planning Board to review and influence the developments.

Footnote *m* in Table 3 Dimensional Regulations modifies Basic Minimum Lot Area and Additional Lot Area/Family (sq. ft.) in the General Residence (R-G) district for apartments and townhomes. Basic Minimum Lot Area specifies the minimum size a lot must be to build on it in the first instance. Additional Lot Area/Family specifies how much additional land must be available on the parcel for each residential unit beyond the first. In the R-G district, the Basic Minimum Lot Area is 12,000 sq. ft. and the Additional Lot Area/Family is 2,500 sq. ft., meaning you need 12,000 sq. ft. to build the first unit, and an additional 2,500 sq. ft. for every additional unit thereafter. To provide some rough math, this means that to build two residential units on a parcel in the R-G you need roughly a 1/3 acre. But footnote *m* states that for townhomes and apartments (and only these two types of development), the Additional Lot Area/Family is 4,000 sq. ft. This increases the required amount of land for each additional unit for these two types of development by 60%. Removing footnote *m*, as recommended by CRC, would revert the

regulations for Additional Lot Area/Family for apartments and townhomes to the original dimensional regulations that apply to all other types of development in the R-G.

- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.

TABLE 3 - DIMENSIONAL REGULATIONS

Zoning District	R-LD	R-O	R-N	R-VC	R-G	R-F	B-G	B-L	COM	B-VC	B-N	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.)	80,000	30,000	20,000	15,000	12,000 <sup>m</sup>	10,000	12,000 <sup>b</sup>	20,000 <sup>b</sup>	20,000 <sup>b</sup>	12,000 <sup>b</sup>	15,000 <sup>ab</sup>	40,000 <sup>a</sup>		30,000 <sup>a</sup>	80,000	
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 <sup>am</sup>		1,250 <sup>ab</sup>	4,000	4,000	2,500 <sup>ab</sup>	1,500 <sup>ab</sup>					
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	100	40 <sup>b</sup>	125 <sup>b</sup>	125 <sup>b</sup>	60 <sup>b</sup>	100 <sup>b</sup>	100 <sup>a</sup>		100 <sup>a</sup>	200	

Article 12 Definitions, Section 12.02, of the Zoning Bylaw defines “Apartments” as “A residential use consisting of one or more buildings, each building containing **no fewer than three (3), nor more than twenty-four (24) dwelling units**. Apartment dwelling units may share internal accessways and entrances and need not have separate exterior entrances on the ground level.” [emphasis added]. Removing the cap on units would allow the dimensional regulations to determine the maximum number of units in an apartment building versus a rigid cap of 24. Further, Zoning Bylaw Section 3.323 states “No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms).” Removing this requirement would allow the developer and architect to determine the composition of apartment sizes.

These recommendations are consistent with the following recommendation from the Housing Market Study:

*Unlocking the Town’s apartment regulations is the most efficient way to increase the land supply by increasing allowable densities... The Town’s existing requirements limit apartments to areas that appear to be substantially built, such as the business and village districts. These locations make good planning sense for higher-density housing, but they offer few opportunities to create a significant number of housing units unless regulations are adjusted.*

## Impact

CRC’s intent with these zoning priority recommendations is to ease some of the constraints on apartments development that could be impeding new development or resulting in more expensive apartments. Moving apartments from SP to SPR in some districts lowers the process

burden and cost for developers looking to develop new apartments. The Town has used shifting uses from SP to SPR in the past as a way to show the types of development we want in certain areas. Moving apartments from SP to SPR in areas where we believe apartments development is appropriate would do the same.

A potential negative impact of this recommendation is in the creation of Affordable units under the Inclusionary Zoning (IZ) bylaw. The IZ bylaw applies to any development that increases the number of units on a site by 10 or more when the development requires a Special Permit for the use or for the modification above the maximums for building coverage, lot coverage, additional floors, or height. Moving the permitting of apartments from SP to SPR has the potential to decrease the applicability of the IZ bylaw to this use. However, since many buildings, whether permitted by SP or SPR, seek modifications under footnote *a* (see prior discussion) in order to increase building or lot coverage, add more floors, or increase height, the SP for those modifications would trigger the IZ bylaw and require Affordable units. Research would need to be done by the Planning Department on the likely specific impacts of this proposal on the IZ bylaw applicability when considering the specific proposal.

Removing footnote *m* could have several impacts. By reducing the amount of land required to build apartments and townhomes in the R-G this amendment could (1) open up new areas for apartments or townhomes development previously deemed too small under footnote *m*; and (2) reduce the costs to developers of developing new apartments or townhomes by reducing the expense of buying additional land or allowing more units on existing land. This could lower apartment rents by reducing the needed return on investment per unit required for a developer to make a profit. This also supports the vision of the R-G. The Zoning Bylaw describes the vision of the R-G: as follows:

*The purpose of the R-G District is to provide for residential neighborhoods of medium to higher density in areas both near the Town Center and between the University and the Town Center. Such areas are convenient to the services, facilities, institutions and/or employment opportunities provided in the Town Center or by the University.*

Since footnote *m* reduces allowable density, removing the footnote can help better achieve the vision of a “higher density” residential neighborhood.

Removing the cap on units and the requirement for multiple unit sizes was identified by the Planning Department as the regulations that most impede new apartments development. Lifting these restrictions could remove that barrier and make apartments development more attractive to developers.

There are potential impacts on housing production and affordability of maintaining footnote *m*, the cap on units per building, and unit sizes. Footnote *m*, by requiring more land to build apartments and townhomes, increases the upfront expense to a developer, an expense the developer will seek to recoup later with higher rents. It might also result in lost housing

opportunities, as the added land requirement might make some projects financially unfeasible and stop projects that otherwise could have produced housing. The 24-unit cap has similar impacts, reducing the number of units that might otherwise be developed or requiring multiple buildings to achieve the same density, reducing open space and increasing building costs. And as the number of units is reduced, the rents for units that are produced must be increased to generate a profit. Allowing more flexibility in the unit sizes within each building will permit developments to better address the housing needs in town – for example, senior housing where 1-bedroom units may be the desired predominant unit size. The CRC recommendations aim to increase housing and lower housing costs.

There are also potential impacts on Town revenue from new growth if these result in new apartment developments, and energy efficiency (allowing more units per building decreases the building envelope per unit, resulting in more efficient buildings).

## Supplemental Dwelling Units

### Vision

The sections of the Master Plan referenced above with regard to apartments are again relevant here:

*Provide housing that meets the needs of all residents while minimizing impacts on the environment.*

*Amherst values its economic and cultural diversity. Sustaining this diversity now and into the future will require addressing the needs of large segments of the population, including both renters and homeowners, that are financially strained by rising housing costs. It is critically important to encourage a broad mix of housing types with a full range of initiatives designed to preserve, develop, and/or replenish the community's low and moderate income affordable housing inventory. Housing strategies must also ensure that the mix of housing in the Town meets the varying physical needs of all residents and is affordable to the broadest spectrum of a growing community while minimizing the impact of housing development on the environment*

*H.1 - Encourage a greater mix of housing types, sizes, and prices serving a wider range of income levels than is currently available throughout Amherst. Encourage the development of economically diverse neighborhoods.*

The relevant vision here is to increase supplemental dwelling units (SDUs) throughout Amherst as a means to diversify our housing stock with more moderately priced options to support more economically diverse neighborhoods.

### Relevant zoning priority recommendations

- SDU bylaw (bring back 2018 TM proposal) (Planning Department estimated timing to complete: 3-6 months)

### What these would do

As mentioned in the original report, CRC is recommending that the Town Council reconsider the supplemental dwelling units zoning bylaw amendment that failed in Town Meeting in 2018 (Spring 2018 Annual Town Meeting Article 33). This amendment received a unanimous vote of the Planning Board, and a majority vote of Town Meeting, but failed to reach the  $\frac{2}{3}$  threshold for a zoning amendment. Since this proposal has already been developed, here is the relevant text from the Planning Board report to Town Meeting:

*An ongoing study and topic of discussion for the Planning Board has been about strategies to increase residential units in Amherst, both in quantity and in diversity. The Planning Board went back to look at the Amherst Housing Market Study from March 2015 provided by RKG Associates and focused on Chapter 6, Recommendations. There were many suggestions and approaches to increasing housing that were very relevant and not yet implemented. After many in-depth Planning Board conversations, considerations of public input from various local groups (Amherst Housing Trust, TM members, and others) and continued studies from Town staff, Zoning Subcommittee and Planning Board members, what culminated from these ongoing discussions was a list of strategies. All these strategies together are intended to bring a diversity of housing to the community at a variety of scales and economic levels. A few strategies are still under study while some strategies stood out as seeming very beneficial to the town and were straight forward in their logistics of implementation.*

*Among these approaches was the idea to increase the Supplemental Detached Dwelling Unit size from a maximum of 800 square feet to 1,000 square feet (1,100 square feet for ADA accessible units). This difference of 200 square feet would not be perceptible at the scale of the town's overall density but the difference would have a big impact on the occupants of these units. The increase of 200 square feet is potentially the difference between creating one-bedroom apartments to two and three-bedroom apartments.*

This is consistent with the following strategy in the Master Plan:

*H.1.E Revise zoning regulations to make it easier to create attached and detached accessory apartments and duplexes out of existing owner-occupied housing stock in all residential zoning districts. Creative zoning techniques can be utilized to maximize the*

*housing stock available, including more moderately priced housing types. Accessory apartments and duplexes can take a variety of physical forms and offer many benefits, providing rental income for homeowners, enhancing moderately priced options within the housing market, and increasing dwelling densities while maintaining neighborhood character. Efforts must be made to address the fears of neighborhood residents regarding the effects of student residents living in these units.*

## Impacts

Here, too, is the Planning Board report:

*The ability to create a wider variety of living arrangements through the increase in the size of the Supplemental Detached Dwelling Unit is a valuable strategy towards the overarching goal of providing a more diverse housing stock in Amherst. Providing the ability to create potentially two or three-bedroom units would benefit young families moving into the area who are looking for rental units in neighborhood settings. Another possibility is providing an opportunity for the owners of the properties to potentially downsize while still living on their property in the Supplemental Detached Dwelling Unit. Basically this new increase in square footage could encourage more density in the Residential zones with the added benefit of providing more diversity in the new housing stock.*

## **Demolition Delay Bylaw**

### Vision

The Master Plan highlights the vision for our Town with regard to historical preservation as follows:

*OBJECTIVE NC.1 - Promote the preservation, appreciation, and sustainable use of our historical and cultural resources for residents and visitors. Historic and cultural resources foster a connection to the Amherst community, generate a sense of pride among its residents, and attract visitors to the Town. Appropriate protection and celebration of these resources will ensure that the community's heritage and unique character are preserved and passed on to future generations. Implementation of the 2005 Amherst Preservation Plan and the following strategies will preserve important community character for Amherst's future while acting as a crucial form of local economic development.*



### Relevant zoning priority recommendations

- Demo Delay bylaw revisions (remove from ZB, then put in General) (Planning Department estimated timing to complete: 3 months)

### What this would do

Article 13 of the Zoning Bylaw is the Demolition Delay for Structures of Historical or Architectural Significance. It has the following stated purposes:

- 13.10 Designate, preserve, protect, enhance and perpetuate those structures and sites within the Town that reflect outstanding elements of the Town's cultural, artistic, social, economic, political, architectural, historic or other heritage;
- 13.11 Foster civic pride in the vestiges and accomplishments of the past;
- 13.12 Stabilize or improve the aesthetic and economic vitality and values of such structures and sites;
- 13.13 Protect and enhance the Town's attraction to tourists and visitors;
- 13.14 Promote the use of historical or architectural structures and sites for the education and welfare of the people of the Town;
- 13.15 Promote good urban design including the perpetuation of related private open spaces;
- 13.16 Promote and encourage continued private ownership and utilization of such buildings and sites now so owned and used: and
- 13.17 Provide owners of significant structures with time to consider alternatives to demolition.

The Planning Department is currently working with the Historical Commission on revisions that would increase clarity and remove conflicts within the bylaw. CRC has not seen the text of revisions and so cannot provide further information on what they would do or their expected impacts beyond the broad strokes of clarity and consistency.

## **Start Conversation on Housing Types Expansion**

As noted in the original report, this is not a specific recommendation, but guidance to the Planning Department (and the Council) to start conversations around expanding certain types of housing in support and anticipation of the recommended 6-12 month priorities.

## 6-12 MONTH PRIORITIES

### Residential Dimensional Regulations Package

#### Vision

The Master Plan describes a vision for our residential neighborhoods as “diverse”, “cohesive”, and “livable”, that “honor their historical and cultural character”. With regard to housing in those neighborhoods, the following vision is again relevant:

*Provide housing that meets the needs of all residents while minimizing impacts on the environment.*

*Amherst values its economic and cultural diversity. Sustaining this diversity now and into the future will require addressing the needs of large segments of the population, including both renters and homeowners, that are financially strained by rising housing costs. It is critically important to encourage a broad mix of housing types with a full range of initiatives designed to preserve, develop, and/or replenish the community’s low and moderate income affordable housing inventory. Housing strategies must also ensure that the mix of housing in the Town meets the varying physical needs of all residents and is affordable to the broadest spectrum of a growing community while minimizing the impact of housing development on the environment*

*H.1 - Encourage a greater mix of housing types, sizes, and prices serving a wider range of income levels than is currently available throughout Amherst. Encourage the development of economically diverse neighborhoods.*

The Zoning Bylaw also outlines a vision for specific residential areas through Article 2.0. Especially relevant to the CRC recommendations are the General Residence (R-G) and Village Center Residence (R-VC) districts (see images below for locations):

*R-G General Residence: The purpose of the R-G District is to provide for residential neighborhoods of medium to higher density in areas both near the Town Center and between the University and the Town Center. Such areas are convenient to the services, facilities, institutions and/or employment opportunities provided in the Town Center or by the University.*

*R-VC Village Center Residence: The purpose of the R-VC District is to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts.*

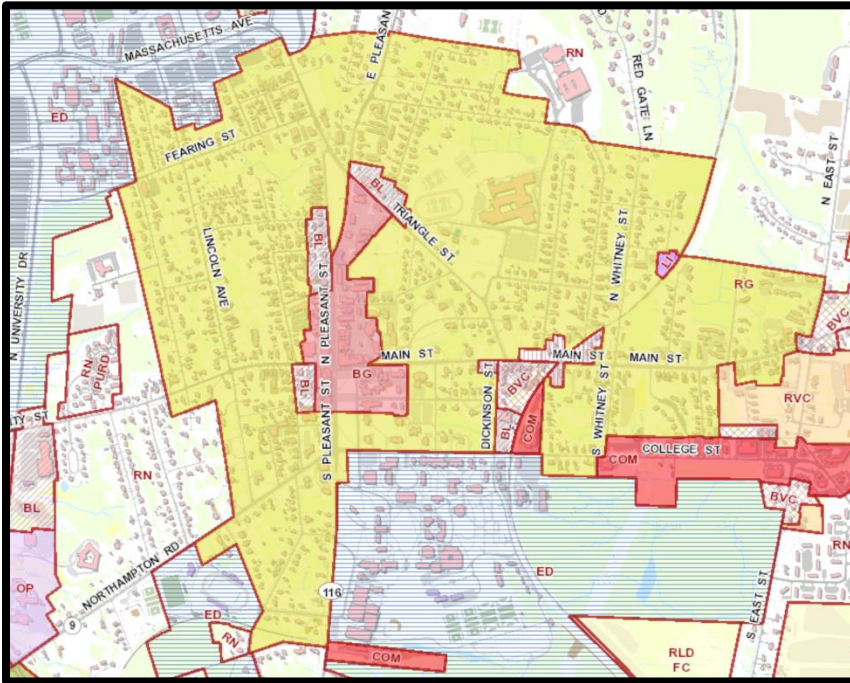


Figure 2. R-G District near downtown in yellow

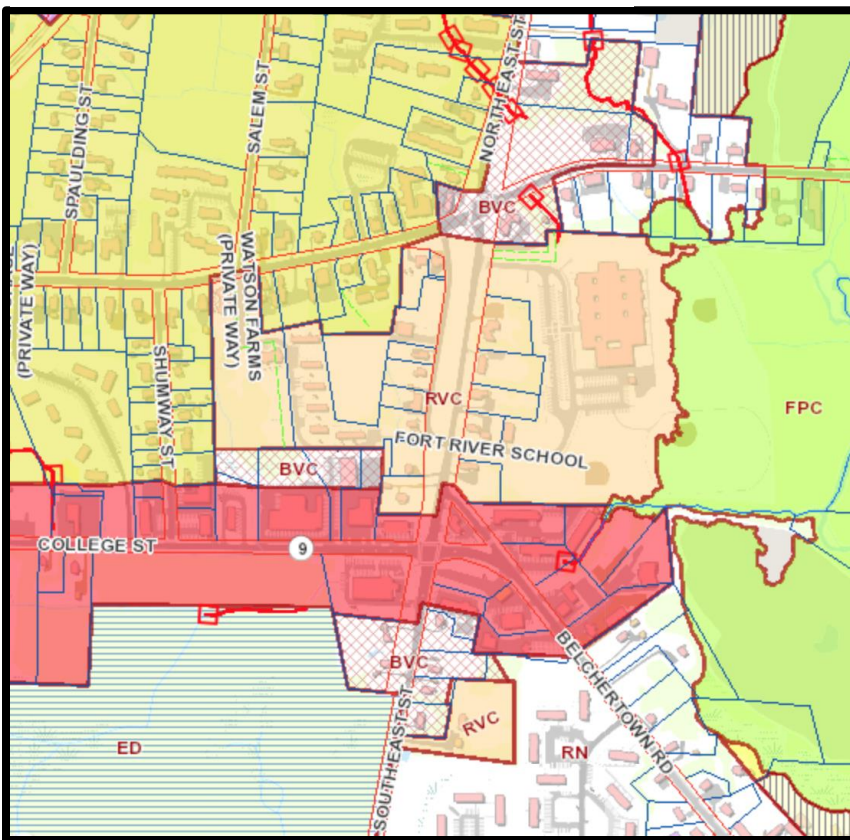


Figure 3. East Amherst Village Center R-VC District in light orange



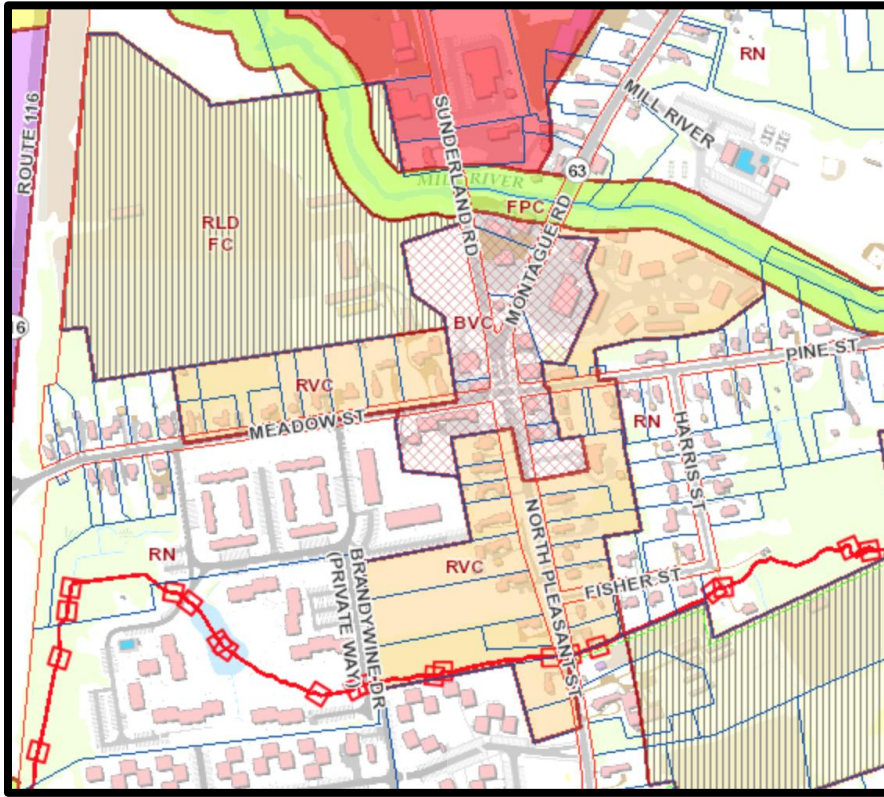


Figure 4 North Amherst Village Center R-VC District in light orange

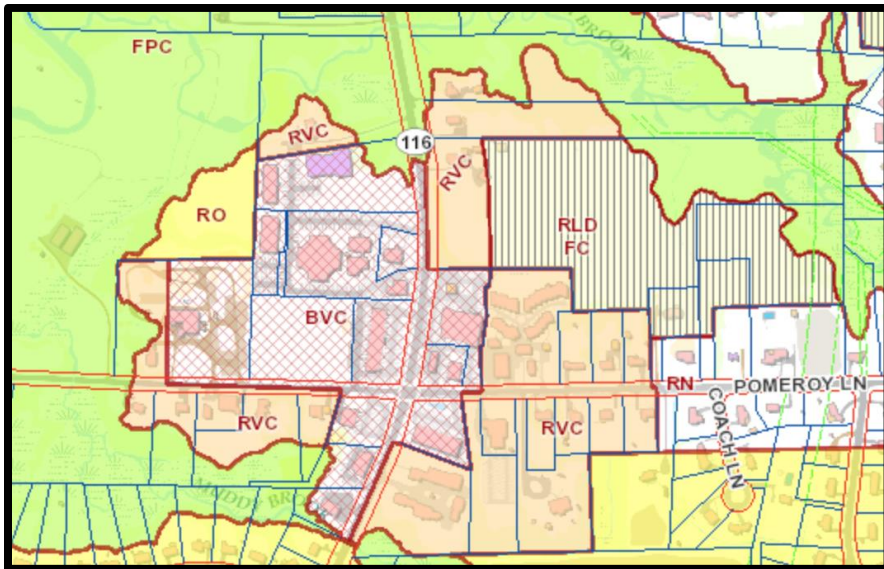


Figure 5 Pomeroy Village Center R-VC District in light orange

## Relevant zoning priority recommendations

- Dimensional regulations in the R-G and R-VC (Planning Department estimated timing to complete: 6-12 months comprehensively)
- Frontage regulations for Residential zones (Planning Department estimated timing to complete: 6-12 months comprehensively)

## What this would do

CRC concentrated its discussion on altering dimensional regulations for the R-G and R-VC to allow for greater density and diversity of housing types. This focused mostly on Basic Minimum Lot Area, the amount of land required to build a single residential unit. The current dimensional regulations require a minimum of 12,000 sq. ft. (0.28 acres) in the R-G and 15,000 sq. ft. (0.34 acres) in the R-VC. CRC members argued these were larger than necessary lot area requirements in districts envisioned as high and moderate density (see above). As noted in the original report, many beloved neighborhoods in Amherst (e.g. High St/Taylor St/North Whitney St., Cottage St./Chestnut St., Kenrick Place/Gaylord St.) have a large number of existing houses that could not be built under current zoning because they are on lots smaller than our zoning requires. There are houses in the R-G on Shumway, McClellan, South Whitney, and Newell on lots less than 6,000 sq. ft., or less than half the size required under current zoning.

While this recommendation is specifically for dimensional regulations in the R-G and the R-VC districts, the conversation in CRC also acknowledged the potential for looking at lot sizes in other districts, or the potential for rezoning some neighborhoods near downtown and village centers to better fit their location and current character. Looking at the current and prior residences of members of the Town Council as an example (see table below) highlights how the current minimum lot sizes required by the Zoning Bylaw conflict with the existing neighborhoods in all areas of Town.

<b>Councilor</b>	<b>Address</b>	<b>District</b>	<b>Minimum Lot Size</b>	<b>Councilor's Lot Size</b>
Schreiber	High St.	R-G	12,000 sq. ft.	9,256 sq. ft.
Ross (prior residence)	Kendrick Pl.	R-G	12,000 sq. ft.	9,460 sq. ft.
Ross (prior residence)	Cottage St.	R-G	12,000 sq. ft.	9,359 sq. ft.
DeAngelis	Ward St.	R-N	20,000 sq. ft.	13,608 sq. ft.
Brewer	Fairfield St.	R-N	20,000 sq. ft.	15,200 sq. ft.
Ryan	Dana St.	R-N	20,000 sq. ft.	16,855 sq. ft.
Dumont	Pondview Dr.	R-O	30,000 sq. ft.	20,837 sq. ft.

Although CRC's recommendation focuses on the R-G and R-VC dimensions only, these examples illustrate that the current zoning does not reflect the actual existing character of many neighborhoods in Town, including those that are close to village centers. CRC recognized that evaluating all residential districts in this manner was a large task that could not be completed

before our term ends. Therefore, CRC recommends concentrating initially on the dimensional regulations for the residential districts that are designated for medium and higher density – R-G and R-VC, and leaving for future consideration dimensional regulations in the other residential districts or the potential rezoning of residential areas, since, as can be seen from the table above, some R-N neighborhoods reflect R-VC dimensions and some R-O neighborhoods reflect R-N dimensions.

Other dimensional regulations, such as minimum frontage requirements (100ft in the R-G, 120ft in the R-VC) also limit density. CRC's recommendation is that the Planning Department bring forth zoning amendments that would modify the dimensional regulations in the R-G and R-N districts to allow for houses to be built on smaller lots. The exact mechanism to achieve this modification (e.g. allowing waivers or altering the requirements in the dimensional regulations) is to be determined by the Planning Department, but the intent is for the amendments to permit development on smaller lots than currently allowed.

This recommendation is rooted in the following strategy articulated by the Master Plan:

*H.1.C Use dimensional regulations to encourage the construction of smaller homes and smaller lots. Higher-density small lot developments have lower infrastructure costs per unit. Smaller homes also tend to have lower materials cost, greater affordability, and a smaller environmental impact. Amherst's current dimensional requirements date from the 1970s. An examination of the existing lot and house size distribution in historic neighborhoods could allow revised regulations to both honor historic patterns and meet modern needs.*

It also reflects the following recommendation from the Amherst Housing Market Study:

*D.1 Remove Regulatory Barriers to Small-Scale Housing Production*

CRC is also interested in seeing modifications to frontage requirements extend to other districts, which would provide more flexibility in developing lots of various sizes and configurations. Currently, frontage requirements are rigid (i.e. if you have 115ft of frontage on a lot in the R-VC you cannot build on that lot because it is 5ft to few), so CRC's intent is to permit flexibility.

## Impacts

It is difficult to assess impacts without the specifics of a proposal, but broadly speaking the expected impacts would be to increase density in the residential districts envisioned as high and moderate density, spur new development on lots that are presently undevelopable under current zoning, increase flexibility around residential development, and increase the diversity of the housing stock (in size, type, and price) by allowing for smaller houses built on smaller lots. This



latter impact has implications for housing affordability, including affordable homeownership for low- and moderate-income residents. The 2015 Housing Market Study stated:

*Together, the impact of low supply and high demand allows developers to “cherry pick” which market they will serve and effectively forces them to concentrate new development to the high end (over \$400,000). This is because the high cost of land in Amherst cannot be recaptured without higher price points.*

Allowing development of smaller lots can reduce the expense of land to the developer, resulting in the ability to produce more modest and affordable houses.

## Duplexes & Triplexes

### Vision

Here, again, the Master Plan outlines a vision for housing:

*Provide housing that meets the needs of all residents while minimizing impacts on the environment.*

*Amherst values its economic and cultural diversity. Sustaining this diversity now and into the future will require addressing the needs of large segments of the population, including both renters and homeowners, that are financially strained by rising housing costs. It is critically important to encourage a broad mix of housing types with a full range of initiatives designed to preserve, develop, and/or replenish the community’s low and moderate income affordable housing inventory. Housing strategies must also ensure that the mix of housing in the Town meets the varying physical needs of all residents and is affordable to the broadest spectrum of a growing community while minimizing the impact of housing development on the environment*

*H.1 - Encourage a greater mix of housing types, sizes, and prices serving a wider range of income levels than is currently available throughout Amherst. Encourage the development of economically diverse neighborhoods.*

Duplexes and triplexes are one way to offer housing (both rental and homeownership) at a range of sizes and affordability with little impact on the existing character of a neighborhood, thus supporting the vision for a diverse housing stock and housing opportunities for varying income levels in a neighborhood.

---

## Relevant zoning priority recommendations

- Lowering barriers to development of duplexes and triplexes (Planning Department estimated timing to complete: 3-6 months)

## What this would do

As mentioned in the original report, there is no current use category for triplexes in our Zoning Bylaw, removing the possibility of new triplex development in Amherst (except under the “Apartments” use category). The simplest change would create an opportunity for triplexes in Amherst (with regulations and allowable locations to be determined by the Planning Department).

The CRC discussed ways to lower barriers to more duplexes, including making them by Site Plan Review in all residential districts (they are currently SPR in the Village Center Residence, General Residence, and Neighborhood Business districts, and Special Permit in Outlying Residence, Low Density Residence, or Neighborhood Residence districts), or treating their permitting the same as single-family homes. Another aspect is required lot size for two-family homes. The Housing Production Plan states:

*Current zoning is out of character with the community’s best neighborhoods. For example, a two-family house in the Neighborhood Resident District (R-N) requires at least a 26,000 square foot lot, while many lots in this zone are less than 10,000 square feet.*

While the exact amendment is to be determined, the intended result is to make it easier to build duplexes in neighborhoods throughout Amherst.

This recommendation is rooted in the following strategy from the Master Plan:

*H.1.F Allow two-family houses by right in all residential zoning districts. In order to diversify housing stock, the Town should permit the development of two-family homes by-right with appropriate conditions in all residential areas. Two-family homes typically lead to cost savings for developers and buyers. Design and landscape standards should be used to ensure that two-family homes reflect the character of the neighborhood and will be more easily accepted by neighboring residents.*

*H.1.G Reduce or eliminate lot size requirement differences for one and two-family homes. Current zoning requires two-family homes to be situated on larger lots than single-family homes. This limits development opportunities for duplexes, and leads to a less efficient use of land. With proper design standards in place, two-family housing can*

*be effectively integrated into any single-family neighborhood, without the need for significantly larger lots.*

It is also supported by the following recommendation from the Housing Production Plan:

*5.3.2 Allow Two-family Dwellings As-of-Right in All Residential Districts*

*Next Steps: Amherst's current zoning bylaw allows the development of two-family structures by Special Permit in the lower density Residence Districts and by-right with Site Plan Approval in the other Residence Districts besides the Fraternity District. The Town will explore the adoption of a bylaw to allow two-family homes by-right in all residential districts under specific design guidelines. The bylaw should also reduce or eliminate the lot size requirement differences for one-and two-family homes. Some consideration should be given to providing incentives for creating one of the units as affordable such as a special grant or density bonuses.*

It is also supported by the following recommendation from the Housing Market Study:

*Allow multi-family units by right*

*Removing the regulatory barrier of a special permit can help to spur housing production, whether through new construction or adaptive reuse of existing facilities. Amherst's moderate-density dimensional regulations in districts such as Neighborhood Residence (R-N) or Village Center Residence (R-VC) are not far from meeting the minimum density requirements of the Commonwealth's "Compact Neighborhoods" program. A Compact Neighborhoods designation would elevate Amherst's competitiveness for some state grant programs, but Amherst will not qualify unless it replaces the existing special permit requirement for multifamily or townhouse uses with provisions for multifamily development or higher-density single-family development by right. This change, whether pursued through Chapter 40R or Chapter 40A zoning amendments that qualify under the Compact Neighborhoods Program, would eliminate uncertainty by providing for higher density by right.*

*Amend Section 3.3210 to allow owner-occupied two-family homes as of right in the R-N as well as the R-G and R-VC zoning districts, reserving special permit controls for investor-owned duplexes.*

## Impacts

It is difficult to assess impacts without the specifics of a proposal, but broadly speaking the intended impacts are to promote development of new duplexes and triplexes in Amherst, which would increase housing density in neighborhoods, diversify Amherst's housing stock, and open homeownership opportunities for individuals for whom a single-family home is financially out of reach (providing moderate income housing options).

During the December 7, 2020, Town Council meeting there was an expression of concern by one Councilor that these ideas won't support moderate income homeownership opportunities if they are simply rented to students. It should be noted that the current Zoning Bylaw differentiates owner-occupied from non-owner-occupied duplexes, with more regulations surrounding non-owner occupied. Keeping this differentiation could help encourage more owner-occupied duplexes.

## Village Center Uses

### Vision

The Master Plan lays out a vision for our village centers:

*Encourage vitality in the downtown and village centers. Amherst's downtown and village centers should be a focus for the community's economic life, cultural vigor, and social activity. Vitality in these areas can be pursued through a variety of initiatives, including encouraging additional housing development, economic investment, expansion of cultural facilities, promotion of a mix of uses, and improvements to the public realm (parks, streetscapes, and public squares). These initiatives will lead to a more walkable community, allow for more day-to-day interactions among residents, and attract more visitors to the community while enhancing Amherst's growing tourism industry.*

*LU.2 - Create vital downtown and village centers (areas of mixed-use, including retail, commercial, and residential elements) that are walkable, attractive and efficient. Through infrastructure investment, incentives, and improved regulations, the Town should foster increased economic, cultural and social activity in the downtown and outlying village centers by encouraging a variety of mixed-uses including live-work units. These areas should foster interactions through attractive public spaces and the creation of a walkable environment.*

Of note in this vision is the idea of village centers containing a mix of uses, and village centers serving as walkable communities. Additionally, the Zoning Bylaw contains a vision for village centers through the following descriptions:

*R-VC Village Center Residence The purpose of the R-VC District is to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts.*

*B-VC Village Center Business The purpose of the B-VC District is to provide areas within the village centers of Amherst that allow for a mix of uses, including retail, commercial, office and housing of moderate to high density.*

### Relevant zoning priority recommendations

- Look at appropriateness of Use Table for VC: What kinds of businesses are allowed or encouraged in VCs - food, entertainment, services - things that make community and meet basic needs, within walking distance

### What this would do

This is not a specific zoning amendment recommendation, but a recommendation to investigate and review the Use Table for the B-VC and R-VC districts to assess whether businesses and services that support a community are allowed and encouraged in our zoning. This might be especially useful for the R-VC, which is adjacent to each B-VC but far more restrictive. For example, while retail establishments, convenience stores, bakeries, and barbers are all permitted in the B-VC by right (SPR), none are permitted in the R-VC. Changes could create a pathway for more businesses in village centers that can be used by the community (versus just offices) and support the community's needs in walking distance.

### Impacts

It is difficult to assess impacts without the specifics of a proposal, but broadly speaking the expected impacts would be to encourage more small businesses in village centers that can directly support the needs of the residents of that area. In one conversation a CRC member mentioned the need to combat food deserts, of which this could be a part.

## **Transportation**

### Vision

The Master Plan lays out a transportation vision for our Town. The following sections are especially relevant:

*OBJECTIVE T.1 Plan for an integrated town-wide transportation system. The Town should create a coordinated plan for current and future transportation in Amherst, to*

*organize transportation activities and allow the community to respond with least disruption to a transition away from petroleum-based transportation technologies*

*OBJECTIVE T.2 Actively promote alternative modes of transportation. Promoting alternatives to automobiles will encourage healthy lifestyles and help alleviate congestion within Amherst while cutting down on air pollution. The following strategies indicate how Amherst should expand and enhance alternative transportation infrastructure so that more residents can travel to and from destinations in Amherst conveniently and safely without the use of a private car.*

*OBJECTIVE T.4 Observe transportation demand management principles in local planning and regulation. Transportation demand management (TDM) is a traffic management approach that seeks to influence drivers' choices by reducing or redistributing the number of vehicles on the road and increasing mobility options. Planning policies and land use regulations are essential components of TDM. In order for public and alternative transportation to be viable and help reduce automobile traffic, regulations influencing land use and development patterns must allow for higher densities and a mix of uses, as in village centers, and roadway design that supports a variety of users. Amherst should revise its zoning and subdivision regulations to promote infill and direct new development toward appropriate locations and to allow densities sufficient to support viable public transit.*

### Relevant zoning priority recommendations

- Transportation issues (may not be zoning)

### What this would do

This is not a specific zoning amendment recommendation, but a signal to the Planning Department that the Council prioritizes transportation issues. We note that this may not always be a zoning issue, but as described in the Master Plan sections above, land use regulations and development patterns are a component of achieving our transportation vision.



## CONSULTANT MONEY

The original report explained the rationale behind the CRC's recommendation to dedicate existing allocated consultant funds to developing form-based code/design guidelines for the downtown, as this would match Town Meeting's intent when they voted to allocate the consultant funds.

Another reason for recommending using the available consultant money for the development of a form-based code / design guidelines for the downtown that may not have been clear in the prior report is that CRC members believe that concerns regarding the vision for downtown may be able to be partially addressed through the adoption of design guidelines. The 40R consultant draft design guidelines provide a snapshot of this capability, with the draft bylaw incorporating climate resiliency, transportation, and the pedestrian experience, among much else, into the various guidelines.

## INCLUSIONARY ZONING

Several Councilors mentioned inclusionary zoning's absence from the report. When CRC was considering the priorities for the next 3 months and the next 6-12 months the committee considered only those measures that the Planning Department identified as possible to do in house by staff. The Planning Department suggested that revising our Inclusionary Zoning bylaw is complex and would likely require consultant support to get it right (it's one of only two proposed priorities that isn't designated as either in-house or consultant). Given the degree of complexity indicated, the uncertainty of whether a consultant would be needed, and the estimated timeline of between 6 and 12 months, making it less likely revisions could complete the full process for revising zoning bylaws within the Council's term, CRC did not include it in this set of recommendations.

If the Council wants to add inclusionary zoning to the list of zoning priorities it likely also needs to allocate funding to hire a consultant for that endeavor.